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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/867,975

05/30/2001

Hassan Hagirahim

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08/10/2005

Docket Administrator (Room 3C-512)
Lucent Technologies Inc.
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EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,975

Applicant(s)

HAGIRAHIM ET AL.

Examiner

Andrew C. Lee

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9, 11-16 and 18-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 5-9, 11-16 and 18-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 –3, 5 – 9, 11 – 16, 18 – 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Thornton et al. (U.S. Patent No. 6363065 B1).

Regarding Claims 1, 9 and 16, Thornton et al. discloses the limitation of for dropping packets based on a current bandwidth allocation of packetized communications traffic of a router in a network (Fig. 1, elements 18 and 48; Fig. 4A, elements 430 and 450; column 17, lines 54 – 59; column 18, lines 30 – 35), said method comprising the steps of: periodically querying endpoints corresponding to said router to obtain information for use in updating a connection table of said router (column 17, lines 9 – 22; column 19, lines 6 – 12); determining, in response to said querying, a current connection status, call reference (Call Ref) value, and bandwidth utilization information for each of said endpoints (column 17, lines 9 – 22; column 19, lines 6 – 12; column 31, lines 41 – 46); calculating, based on said current connection status, said call reference (Call Ref) value, and said bandwidth utilization information for each of said endpoints, a current bandwidth allocation for a specific type of communications service

handled by said router (column 30, lines 63 – 67; column 31, lines 46 – 50); and when bandwidth is not available for said specific type of communications service, (i) dropping packets of any new call received by said router for said service and (ii) informing said endpoints to disconnect said new call (column 17, lines 9 – 12; column 18, line 67; column 19, lines 1 – 12).

Regarding Claims 2 and 23, Thornton et al. discloses the limitation of claimed wherein said method is performed by said router on a per interface basis (column 12, lines 5 – 9; lines 14 – 15).

Regarding Claim 3, Thornton et al. discloses the limitation of claimed further including the step of admitting additional communications traffic to said router when bandwidth for said specific type of communications service is available (column 18, lines 65 – 67).

Regarding Claims 5, 11 and 18, Thornton et al. discloses the limitation of claimed wherein the router receives from an endpoint the Call_Ref value for a new connection that is not of a type that can be handled and in response thereto a message is sent to the endpoint to terminate the call (column 41, lines 49 – 51).

Regarding Claims 6, 13 and 20, Thornton et al. discloses the limitation of claimed wherein said querying step includes the step of sending of a H.323 Info Request (IRQ) message and a response to said querying includes receiving an Info Request Response (IRR) message (column 18, lines 39 – 47; column 33, Table 1-continued).

Regarding Claims 7, 14 and 21, Thornton et al. discloses the limitation of claimed wherein said step of admitting additional communications traffic includes the step of

determining a type of connection to be made as a function of an identified addresses, type of service and respective socket number range (column 39, lines 52 – 55; lines 58 – 62).

Regarding Claim 8, Thornton et al. discloses the limitation of claimed wherein said querying step is periodically reset (column 60, lines 36 – 38; lines 56 – 62).

Regarding Claims 12 and 19, Thornton et al. discloses the limitation of claimed wherein said message is a non-standard H.245 message (Fig. 12, column 43, lines 16 – 18).

Regarding Claims 15 and 22, Thornton et al. discloses the limitation of claimed wherein said network utilizing Internet Protocol (column 2, lines 1 – 3).

Response to Arguments

3. Applicant's arguments with respect to claims 1 – 3, 5 – 9, 11 – 16, 18 – 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).